

# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/643,636

08/18/2003

David J. Buckley

2894P

4429

7590

10/03/2005

Jeffrey R. McFadden, Esq.  
Womble Carlyle Sandridge & Rice, PLLC  
One Atlantic Center, Suite 3500  
1201 West Peachtree Street  
Atlanta, GA 30309

EXAMINER

NGUYEN, HUY D

ART UNIT

PAPER NUMBER

2681

DATE MAILED: 10/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/643,636

Applicant(s)

BUCKLEY, DAVID J.

Examiner

Huy D. Nguyen

Art Unit

2681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9, 11-29 and 31-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11-20 and 31-40 is/are allowed.
- 6) ☒ Claim(s) 1, 2, 6-9, 21, 22 and 26-29 is/are rejected.
- 7) ☒ Claim(s) 3-5 and 23-25 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1-2, 6-8, 10, 14-16, 21-22, 26-28, 30, 34-36 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-2, 6-9, 21-22, 26-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Frost et al. (US 2003/0158708) in view of Raverdy et al. (US 2002/0068573 A1).

Regarding claims 1, 21, Frost et al. teaches a method for handling messages between devices in a network, comprising the steps of: (a) receiving a message for a device application by a dispatcher application (e.g., configuration application 118) on a receiving device (see paragraph [0042], [0046]); (b) determining that the device application does not exist (e.g., the software version is incompatible with the application) on the receiving device by the dispatcher application (see paragraph [0046]); and (c) sending a notification to a user of the receiving device of receipt of the message (e.g., display an error message – see paragraph [0046]). Frost et al. does not teach that the dispatcher application resides on the receiving device. However, the preceding limitation is taught in Raverdy et al. (e.g., download module 324 determines whether a version of the application software 312 already exists - see figure 3 and paragraph [0045]). It

Art Unit: 2681

would have been obvious to one having ordinary skill in the art, at the time of the invention, to apply the teaching of Raverdy et al. to the teaching of Frost et al. for the user device to update device application software to correspond to a latest software version for the particular event.

Regarding claims 2, 22, the combination of Frost et al. and Raverdy et al. teaches the method of claim 1, wherein the receiving device is a wireless device (see Frost et al.: paragraph [0030]).

Regarding claims 6, 26, the combination of Frost et al. and Raverdy et al. teaches the method of claim 2, wherein the determining step (b) comprises: (b1) determining an identity of the device application from the message by the dispatcher application (e.g., the configuration application 118 will check the software version); and (b2) determining if the device application exists on the receiving wireless device (see Frost et al.: paragraph [0046]).

Regarding claims 7, 27, the combination of Frost et al. and Raverdy et al. teaches the method of claim 6, further comprising: (b3) delivering the message to the device application if the device application exists on the receiving wireless device (see Frost et al.: paragraph [0046]).

Regarding claims 8, 28, the combination of Frost et al. and Raverdy et al. teaches the method of claim 1, further comprising: (d) providing an option to obtain information on the device application (see Frost et al.: paragraph [0044]).

Regarding claims 9, 29, the combination of Frost et al. and Raverdy et al. teaches the claimed invention except that the providing step (d) comprises: (d1) launching a shopping cart application if a selection to obtain the information is received. However, it would have been an obvious matter of design choice to launch a shopping cart application if a selection to obtain the

Art Unit: 2681

information is received since the invention would perform equally well with launching any application if a selection to obtain the information is received.

***Allowable Subject Matter***

4. Claims 3-5, 23-25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 18-20 and 38-40 were allowed previously.

Claims 11-17, 31-37 are allowed. The following is an examiner's statement of reasons for allowance:

Claims 11 and 31 have been rewritten in the independent form including all of the limitations of the base claims. Therefore, claims 11 and 31 are now allowable with the same reason set forth in the previous office action (office action 06022005).

Claims 12-17 depend on claim 11. Therefore, they are allowable.

Claims 32-37 depend on claim 31. Therefore, they are allowable.

***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

Art Unit: 2681

MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

***Contact Information***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huy D. Nguyen whose telephone number is 571-272-7845. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph H. Feild can be reached on 571-272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Huy Nguyen

  
JOSEPH FEILD  
SUPERVISORY PATENT EXAMINER